

TOWNSHIP OF MANOR

Lancaster County, Pennsylvania

ORDINANCE NO. ____

AN ORDINANCE REPEALING EXISTING REGULATIONS GOVERNING ON-LOT SEWAGE DISPOSAL SYSTEMS WITHIN THE TOWNSHIP AND ENACTING NEW REGULATIONS GOVERNING INDIVIDUAL ON-LOT AND COMMUNITY SEWAGE SYSTEMS AND ACCESSORIES SUCH AS DENITRIFICATION UNITS TO IMPLEMENT THE PROVISIONS OF THE TOWNSHIP OFFICIAL SEWAGE FACILITIES PLAN

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Manor, Lancaster County, Pennsylvania, as follows:

Individual On-Lot Sewage Systems

Section 1. Title.

This Article shall be known and may be cited as the "Manor Township On-Lot Sewage System Ordinance."

Section 2. Legislative Intent.

In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S; §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et. Seq.* known as Act 537), Manor Township intends to provide for adequate sewage treatment facilities and for the protection of the public by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Manor Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

Further, the Board of Supervisors recognizes that individual on-lot sewage disposal systems constitute a valid and approved manner of conserving the quality of the water and other natural resources of the Township through proper treatment of wastes generated by development within the Township. The use of individual on-lot sewage systems must be regulated in accordance with the regulations promulgated by the Department of Environmental Protection which pertain to the location and permitted types of on-lot sewage disposal systems. In addition, the Township has determined that should the on-lot sewage system disposal system installed by a landowner fail, the water quality and other natural resources of the Township may be polluted. It is especially of concern to the Board that such pollution may occur when a system fails and there is no suitable area on the lot for the installation of a replacement system. Therefore, in order to protect the water quality and other natural resources of the Township, thereby protecting the

health and welfare of residents and visitors, the Board desires to require that all landowners provide and set aside areas for the installation of replacement individual on-lot sewage disposal systems.

It is the further intent of the Board to insure that on-lot sewage disposal systems are properly maintained. Failure to maintain on-lot sewage disposal systems results in malfunctions which in turn results in the pollution of the water quality and other natural resources of the Township. On-lot sewage disposal systems should be pumped out on a regular basis, and it is the responsibility of all landowners to insure such maintenance is performed.

Section 3. Adoption of Standards by Reference.

A certain document, three (3) copies of which have been and are presently on file in the office of the Secretary of the Township of Manor, being marked and designated as Chapters 71, 72, and 73 of Title 25 of the Pennsylvania Code, being promulgated by the Department of Environmental Protection of the Commonwealth of Pennsylvania, be and is hereby adopted as the sewage permit application and installation procedure of the Township and each and all of the regulations contained in the said Chapters are hereby adopted by the Township except as modified by this Article. It is the intent of the Board to adopt all subsequent amendments and revisions to the said Chapters as permitted by law and in accordance with the provisions of 1 Pa. C.S. §1937(a). If such intent is found invalid by a court of competent jurisdiction, it is the intent of the Board to adopt the said Chapters as they existed on the effective date of this Article.

Section 4. Word Usage and Definitions.

- A. Word Usage. In the interpretation of this Article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
- B. Definitions. All words and phrases not otherwise defined herein shall have the meaning provided in Section 2 of the Act, 35 P.S. §750.2, Section 71.1 of the Department's Regulations, 25 Pa. Code §71.1, or Section 73.1 of the Department's Regulations, 25 Pa. Code §73.1, or the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 *et seq.*

ABSORPTION AREA EASEMENT – a portion of a lot, tract or parcel that encompasses the Primary and Replacement Absorption Area and which shall be delineated and preserved. The Primary and Replacement Areas need not be contiguous.

ACT – The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. §750.1 *et seq.*

AUTHORIZED AGENT – A Certified Sewage Enforcement Officer (SEO), professional engineer or sanitarian, plumbing inspector, soils scientist, water quality coordinator, or any other person who is designated to carry out the provisions of this Ordinance as the agent of the Board.

BOARD – The Board of Supervisors of the Township.

COMMUNITY SEWAGE SYSTEM – Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site and which shall comply with all applicable regulations of the Department. Notwithstanding the foregoing, the sewage collection, transmission and treatment systems of LASA shall not be considered community sewage systems for the purposes of this Article.

DEPARTMENT/DEP – The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DEVELOPER – Any person who files a planning module for land development with the Township; or who files an application for approval of a subdivision or land development plan proposing the subdivision or development of land within the Township; or who makes application for a permit; or who makes an application for a zoning permit under the Township Zoning Ordinance; or who installs, repairs, modifies, or alters an OLDS or community sewage system serving properties within this Township other than a governmental entity.

HYDROGEOLOGIC STUDY – A study or investigation is a study of the subsurface hydrologic and geologic conditions in an area or location. Data are collected about the type and thickness of geologic materials, the occurrence of ground water, how it flows in pore spaces and/or fractures, the quality of the ground water, and what can be expected at wells. For purposes of this ordinance the study will conform to those normally accepted by the PADEP.

INDIVIDUAL ON-LOT SEWAGE DISPOSAL SYSTEM (OLDS) – Any system of piping, tanks, or other facilities serving on a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania and which is located upon the lot which it serves. The term also includes an OLDS which meets the definition of non-standard system.

LAND DEVELOPMENT – A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P .L. 805, No. 247, as amended and reenacted, 53 P.S. §10101 *et seq.*

LASA – Lancaster Area Sewer Authority.

LOT -A parcel of land used or intended to be used as a building site or a separate parcel to be created as a result of approval of a subdivision or land development application or a condominium unit. The term lot shall include parcels equal to or greater than ten (10) acres in size where the lot may be occupied by one or more persons or families.

MALFUNCTION – The condition which occurs when an OLDS or community sewage disposal discharges sewage onto the surface of the ground, into ground waters of the Commonwealth, into surface waters of the Commonwealth, backs up into the building connected to the OLDS or community sewage disposal system or otherwise causes a nuisance hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. An OLDS or community sewage disposal system shall be considered to be malfunctioning if any

of the conditions set forth in this paragraph occur for any length of time during any period of the year.

NON-STANDARD SYSTEM – An OLDS which has a denitrification unit or any other equipment which is not commonly found on OLDS within Lancaster County or an OLDS which has been modified to address groundwater contamination or other environmental issues or any OLDS which requires additional approvals from the Department or a modification or amendment to the Township's Official Plan.

OFFICIAL PLAN – A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Township and approved by the Department in accordance with the Act and with applicable Department regulations.

OLDS – An individual on-lot sewage disposal system.

OWNER – Any Person holding deed or title to lands within the Township.

PERMIT – A permit issued by the Sewage Enforcement Officer after the performance of tests to determine suitability to authorize the initial installation of an OLDS or the repair, replacement or enlargement of an existing OLDS.

PERSON – Any individual, association, partnership, public or private corporation whether for profit or not-for-profit, trust, estate, or other legally recognized entity. Whenever the term "person" is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of the action to comply with the terms of this Article, the term "person" shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for profit or not-for-profit.

PLANNING MODULE FOR LAND DEVELOPMENT – A revision to the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

PLANNING COMMISSION – The Township Planning Commission, which has jurisdiction under the Township Subdivision and Land Development Ordinance to review subdivision and land development plans in accordance with the requirements of the Pennsylvania Municipalities Planning Code.

PRIMARY AREA – An area on a lot, tract or parcel of land that has been tested by the SEO and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot sewage disposal system, and which will be preserved and protected from alteration for installation of the initial on-lot sewage disposal system for sewage generated on that lot, tract, or parcel. (see Replacement Location)

PUMPER/Hauler BUSINESS – Any sole proprietor, company, partnership or corporation which is licensed by the Department, and/or other governmental agency to engage in cleaning any or all components of a community or individual on-lot system, holding tanks, privies, aerobic tanks, cesspools, or any other sewage disposal facility within the Township and evacuate and transport the septage cleaned there from, whether for a fee or free of charge.

PUMPER'S REPORT/RECEIPT – A form, provided by the Township, which shall be used by all Pumper/Hauler Truck Operators to report every pumping of an on-lot system in the Township. Regulations – the Pennsylvania Code, Title 25, Chapters 71,72 and 73.

REPLACEMENT LOCATION – A location designated as the future location of an OLDS that shall be installed should the OLDS installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department and all applicable Township ordinances for an OLDS.

RETAINING TANK – A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:

CHEMICAL TOILET – A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.

HOLDING TANK – A tank, whether permanent or temporary, to which sewage is conveyed by a water-carrying system having no discharge point, requiring pump out and disposal of waste at another site.

PRIVY – A tank designed to receive sewage where water under pressure is not available.

INCINERATING TOILET – A device capable of reducing waste materials to ashes.

COMPOSTING TOILET – A device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.

RECYCLING TOILET – A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

SEPTAGE – The residual scum, sludge and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

SEWAGE – Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health or to animals or aquatic life or to the use of water for domestic water supply or for recreation or which constitutes pollution under The Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER – The Sewage Enforcement Officer of the Township. (SEO)

SINGLE AND SEPARATE OWNERSHIP – The ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

SOIL ABSORPTION SYSTEM – An on-lot system that uses the renovative capacity of the soil for treatment. All SEO permitted systems, except retention tank systems, are soil absorption systems.

SUBDIVISION – A subdivision as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 52 P.S. §10101 et seq.

THE CLEAN STREAMS LAW – Act of June 22, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §691.1 et seq.

TOWNSHIP – The Township of Manor, Lancaster County, Pennsylvania.

Section 5. Sewage Testing and Hydrogeologic Studies Required for all Proposed Lots.

- A. After the effective date of this Article, no requests for approvals of planning modules for land development and no revisions or supplements to the Official Plan shall be granted unless the applicant presents to the Board evidence that each lot or lot to be created contains a suitable location for the installation of an initial OLDS, or provides a planning module for land development which provides evidence of sewer service by means of the LASA Sewer System or the Manor Township Sewer System. All tests required by the Department and this Article for the location of an OLDS to confirm the suitability of the location shall be performed as approved by the Department.
- B. After the effective date of this Article, all planning modules for land development except planning modules for land development which propose sewer service by means of the LASA Sewer System or the Manor Township Sewer System shall be accompanied by hydrogeologic tests performed in accordance with all applicable Department regulations. The Board shall not approve any planning module for land development which does not contain hydrogeologic studies which demonstrate that the proposed sewage disposal facilities will not adversely affect the groundwater or that measures will be utilized, such as the installation of denitrification systems or dispersion plume easements, which will address the impacts of the proposed sewage disposal facilities.
- C. Well test results submitted with planning modules will be compared with the Official Plan well test data. If the results vary from the Official Plan well test data, the Township may require additional testing to verify any discrepancies.

Section 6. Replacement Location for On-lot Sewage Disposal Systems Required.

After the effective date of this Article, a Replacement Location for an OLDS shall be required for all lots or lots to be created which are not serviced or to be serviced by a community sewage system operated by a governmental entity or for which a valid permit for an OLDS has not been issued. The Replacement Location shall comply with the Act and with all regulations issued by the Department as incorporated into this Article concerning OLDS, including isolation distances, and with the terms of this Article and any other applicable Township ordinances.

Section 7. Identification of Replacement Location.

- A. Each person who shall apply for a permit under the Township Zoning Ordinance or a permit for an OLDS (other than a permit for a repair to or modification of an existing OLDS) or who shall request approval of a planning module for land development or the adoption of a revision or supplement to the Official Plan or who shall file an application for subdivision or land development approval which proposes sewage disposal by means of OLDS shall demonstrate to the satisfaction of the Sewage Enforcement Officer that a suitable area exists on the lot or on each lot to be created for an initial OLDS and for the Replacement Location. The SEO will insure that the selected replacement site is of appropriate size and location to accommodate an OLDS system. In lieu of demonstrating suitable area on the lot or on each lot to be created, the Township may approve an initial OLDS and/or replacement OLDS located on an adjacent tract as a modification (waiver) to this ordinance. At a minimum any modification granted for this section will be encumbered perpetually in the chain of title with an easement to allow said OLDS, the Easement of form and content approved by the Township Solicitor, and duly recorded at the Recorder of Deeds Office, in and for Lancaster County. All tests required by the Department and this Article for the location of an OLDS to confirm the suitability of the Replacement Location shall be performed as approved by the Department. Allowance of open land for the Replacement Location without testing performed or observed by the Sewage Enforcement Officer shall not constitute compliance with the requirements of this Section.
- B. The developer shall identify the location of the initial OLDS and the Replacement Location as confirmed by the Sewage Enforcement Officer on the plot plans and diagrams submitted as a part of the subdivision or land development plan and as part of the permit application.
- C. If the application has been submitted as a part of an application for approval or review of a planning module for land development, the developer shall identify the location of each OLDS and each Replacement Location upon the plans. If the application is for subdivision or land development approval, the developer shall include a note on the plans stating that:
1. No improvements, whether permanent or temporary, shall be constructed upon or within the absorption area easement.
 2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the absorption area easement.
 3. During any construction or other activities, the absorption area easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating upon the surface of the absorption area easement.
- D. Any revisions to a permit affecting a Replacement Location which previously has been issued pursuant to the provisions of this Article shall be approved by the Board or its

authorized representative. This includes revisions to recorded deeds, agreements and easements. Any revisions to a subdivision or land development plan affecting a Replacement Location which has been previously approved pursuant to the provisions of this Article shall be resubmitted to the Township for review and approval.

- E. A landowner wishing to alter the use of the replacement location must first document, through a site evaluation by the SEO that an additional area suitable for the installation of an on-lot system exists, and upon such a finding shall:
1. Prepare and submit to the Township for approval a Declaration of Easement which shall:
 - a. Meet the identification, non-use and preservation requirements of this Section;
 - b. Describe, by meets and bounds, the easement area to be abandoned.
 2. Record the approved Declaration of Easement at the County Recorder of Deeds Office.
 3. File a copy of the recorded easement with the Township.

Section 8. Relief from Requirement of Designation of Replacement Location.

If any lot held in single and separate ownership as of the effective date of this Article shall not contain land suitable for a Replacement Location, the applicant for a permit under the Township Zoning Ordinance or an installation permit for an OLDS may request, as a modification (waiver) to this ordinance requirement, that the Township grant an exception to the requirement of providing a Replacement Location. In addition to the required documents for a modification request (See section) the applicant for such an exception shall present credible evidence to the Township demonstrating (i) that the lot was held in single and separate ownership on the effective date of this Article; (ii) the size of the lot; (iii) inability of the applicant to acquire adjacent land or the unsuitability of adjacent land which might be able to be acquired; and (iv) the testing conducted to determine that the lot is not suitable to provide a Replacement Location. At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Article.

Section 9. Permit Required for All Lots.

The landowner and any contractor performing work upon an OLDS shall obtain a permit from the Sewage Enforcement Officer in accordance with the Act, the regulations of the Department, and this Article prior to the installation, alteration, modification, repair or replacement of any OLDS. This requirement shall apply to all lots within the Township regardless of the size of the lot and regardless of the familial relationship of the person seeking to install the OLDS to the property owner. The Sewage Enforcement Officer shall not issue a permit for an OLDS until a suitable Replacement Location has been established or until the applicant presents the Sewage Enforcement Officer with a written determination by the Township granting relief from the designation of a Replacement Location in accordance with Section § 100-60 of this Article or

unless such permit is requested to repair a malfunction of an existing OLDS. All permit applications shall demonstrate compliance with the following:

- A. Building and zoning permits shall not be issued for any building, or improvement to real property to be serviced by an on-lot system, prior to receiving a permit for the installation or repair of the on-lot system from the SEO. Septic systems must be sized appropriately and in a state of good repair prior to issuance of a building permit for proposed building additions and renovations. If there are no repairs to an existing OLDS the Township's SEO is required to notify the Township.
- B. All system components including absorption areas must be located on the same lot, tract, or parcel as the structure they will serve. If the applicant proposes to locate any portion of the system on a separately deeded parcel, regardless of ownership, the location requirements of section 7A of this ordinance applies.
- C. All planning modules proposing individual or community sewage systems which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system, and if the system is not being constructed or operated according to the permitted design, issue a stop work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.
- D. No on-lot system shall be altered, extended, augmented, modified or repaired without the issuance of a repair permit by the SEO.
- E. No on-lot system shall be used or loaded in a manner which is inconsistent with the permit that was issued to authorize that system's installation.
- F. Permit applications for on-lot systems which include electronically, mechanically, or other methods other than a standard septic system, must provide the Township with the manufacturer's recommended maintenance schedule and product specifications.
- G. The requirements of this ordinance are the minimum standard for septic system use. Any design, inspection or pumping standard that exceeds these standards will not be penalized.

Section 10. Permit Requirements and Procedures.

All landowners, developers and contractors who desire to install, repair, modify or alter an OLDS in the Township shall obtain a permit from the Sewage Enforcement Officer prior to the commencement of such work. All work performed under any permit shall comply with the following regulations:

- A. The holder of a permit and the contractor performing work under such permit shall notify the Sewage Enforcement Officer at least three working days before commencing installation, repair, modification or alteration of the OLDS in order that one or more inspections in addition to the final inspection required by the Department may be scheduled and performed by the Sewage Enforcement Officer.

- B. If construction or installation of the OLDS and of any building or structure for which such OLDS is to be installed has not commenced within three years after the issuance of the permit for such OLDS, the permit shall expire. The landowner and/or contractor shall obtain a new permit prior to commencement of the installation, repair, modification, replacement or alteration of the OLDS.

Section 11. Permit Requirements for Non-Standard OLDS.

All landowners, developers and contractors who desire to install a non-standard OLDS, including but not limited to a denitrification system, in addition to all other requirements of this Article shall also meet all of the following requirements:

- A. The record owner of the lot on which such system is to be installed and, if different, the applicant, shall enter into an agreement with the Township, in recordable form, providing for the long-term maintenance of the system which grants the Township the right to enter upon the property; to inspect such system not less than once each year and, in addition, whenever the Township receives a complaint or otherwise has reason to believe that such system is not functioning properly; to maintain such system if the landowner fails to do so; and to recover the cost of any maintenance performed plus a penalty from the landowner. The agreement shall specifically authorize the Township to file a municipal claim against the property to recover all costs and fees and shall specifically state that its provisions are binding upon the landowner executing the agreement and upon all successive owners of the property until the system is removed and the property is connected to a public sewer system owned and operated by a governmental entity.
- B. The applicant shall demonstrate to the Township that the proposed non-standard system meets all applicable Department regulations and that the applicant has obtained all necessary approvals and permits.
- C. The applicant shall provide the Township with a complete set of as-built plans for the non-standard system after its installation.
- D. The applicant shall reimburse the Township for all costs incurred in the preparation of the agreement and its recording.
- E. The applicant shall pay all costs associated with the yearly inspection of the non-standard system and provide a copy of the inspection report for verification of system function.

Section 12. Proper Operation and Maintenance of OLDS Required.

All persons who own a lot upon which an OLDS is installed and all persons who occupy a lot on which an OLDS is installed shall properly use and maintain such OLDS. Proper maintenance of an OLDS shall include, at a minimum:

- A. Following any operation and maintenance recommendations of the manufacturer of the OLDS. If the OLDS is a non-standard system, additionally following the operation and maintenance recommendations of the manufacturer of the denitrification unit or other non-standard equipment which is part of the OLDS.

- B. The owner of a property upon which an on-lot system is constructed shall at all times operate and maintain the on-lot system in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.
- C. The owner of a property upon which an on-lot system is constructed shall maintain the area around such system so as to provide convenient access for inspection, maintenance and pumping, and divert surface water and downspouts away from the absorption area and system components and protect the absorption area(s) from physical damage.
- D. In the event a landowner detects conditions that indicate or could reasonably be interpreted to indicate a malfunction, the landowner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system.
 - 1. Landowners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure.
 - 2. If a landowner who has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may seek injunctive or other relief to compel the repair of the malfunction or cause the repair to be effectuated.
- E. Every aerobic or septic treatment tank which discharges effluent to a soil absorption area or to an individual residential spray irrigation system shall be pumped out according to the schedule established in this Ordinance. If a component's manufacturer requires a more frequent pumping interval than contained in this ordinance, that interval shall be deemed the minimum interval for pumping.
- F. When an on-lot system's treatment tank is pumped out, all dosing tanks, lift tanks and other tanks associated with the system shall also be pumped out.
- G. Retaining tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other malfunction, or a public health hazard or nuisance, but no less frequently than twelve times per year or at sufficient intervals to ensure the tank does not reach 75% capacity. Proof of pump out of holding tanks shall be supplied to the Township.
- H. Upon forms provided by the Township upon completion of each required pumping, the pumper/hauler business shall sign the form and return the form and appropriate fee to the Township. The Township will enter the information provided on the form into a record of maintained systems.
- I. Persons undertaking the initial inspection of an on-lot system shall have successfully completed an On-lot Wastewater Treatment System Inspector program such as those administered by Pennsylvania Septage Management Association. The Township may accept verifiable experience or education as a substitute for the On-lot Wastewater Treatment System Inspector program.
- J. In addition to the requirements for initial tank pumping, the periodic and scheduled tank pumping shall include an inspection to determine the proper functioning of the system.

The inspection and pumping will be reported to the Township (on forms provided by the Township) regarding the presence of any or all of the following:

1. Defective tank components (lids, baffles, dividers, etc.);
 2. Before pumping, water level above outlet pipe elevation;
 3. Following or during pumping, backflow from the absorption area;
 4. Inflow from building(s) served to verify connection to the building(s);
 5. Surface discharge, ponding or other signs of malfunction in the vicinity of the absorption area.
- K. Any person owning a building served by an aerobic treatment tank or an on-lot system, which includes any electrically, mechanically, hydraulically or pneumatically operated or controlled device, shall follow the maintenance recommendations of the equipment's manufacturer.
1. If not on file with the Township, a copy of the manufacturer's recommendations and owner's manual shall accompany the Pumper's report the first time the system is pumped after the effective date of this Ordinance.
 2. Landowners of systems with components requiring periodic maintenance shall submit receipts as proof of maintenance to the Township documenting maintenance/service was performed at the intervals called for and in a manner consistent with the various components' manufacturers.
 3. In no case may the service or pumping intervals exceed those established in this Ordinance.
- L. The landowner shall provide adequate access to OLDS components to facilitate inspection and pump outs. This may include installing risers extending to grade level on the inspection ports and/or manhole portion of tanks and other components.
- M. All water used within a residence, including kitchen and laundry wastes and water softener backwash, and all sewage shall be discharged into a treatment tank.
- N. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities operated or owned by the Township or any other entity, to assure that the effluent's chemical or biological constituents are compatible with the renovation methods employed by the receiving facilities.
- O. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground, or into the waters of the Commonwealth of Pennsylvania, unless a permit to discharge has been obtained from the DEP.

- P. Discharging only domestic sanitary sewage into an OLDS. Discharge of waste that is non-compatible with OLDS is prohibited. Non-compatible waste includes but is not limited to the following:
1. Industrial waste.
 2. Automobile oil, other non-domestic oil, grease, non biodegradable soaps, detergents and/or inert materials such as coffee grounds.
 3. Toxic or hazardous substances or chemicals including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, unused medications, gasoline and other solvents.
 4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, and french drains.
 5. Vehicle wash water and other potentially contaminated or clean run off or stormwater.
 6. Disposable products such as diapers, tampons, and similar materials.
 7. Beauty shop waste other than a single chair beauty shop in conjunction with a residential use.

Section 13. Pumper/Hauler Business Registration.

- A. At least seven (7) days before offering pumping and inspection services to property owners that will enable their compliance with the terms of this Ordinance, all pumper/hauler businesses shall:
1. Register with the Township and comply with all reporting requirements established herein; (Township will provide a registration form as appendix 1)
 2. Operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35P.S. §6018.101- 6018.1003);
 3. Provide a current fee schedule for all services required under this Ordinance;
 4. Provide documentation that all septage pumped from properties in this Township will be delivered to a DEP approved site or facility;
 5. Provide the Township with an Insurance Certificate showing the hauler has liability insurance that will cover any damages caused by the pumper and any of his/her employees.
 6. Document that there is at least one employee/owner who has completed an On-lot Wastewater Treatment System Inspector program such as those administered by Pennsylvania Septage Management Association. The Township may accept

verifiable experience or education as a substitute for the On-lot Wastewater Treatment System Inspector program.

- B. When there is a change in the personnel/employees or vehicles that provides services in accordance with this Ordinance, it shall be the duty and obligation of the business owner to notify the Township of the changes within seven (7) days of the effective date of the change.
- C. Pumper/Hauler will use the Township issued manifest for proof of inspection and provide either originals or copies of each manifest to the Township on, at least, a monthly basis.
- D. Pumper/Hauler will collect the Township inspection fee at the time inspection and submit it along with each completed manifest to the township on, at least, a monthly basis.

Section 14. Fees.

The Board may, by resolution, establish a fee schedule and collect fees to cover the Township's actual costs of administering this Ordinance.

Section 15. Modifications to Requirements.

The Board, at its sole discretion, may modify or waive the requirements of this ordinance insofar as the modification or waiver does not conflict with PADEP regulations concerning the same subject.

- A. All requests for relief of the requirements of this ordinance will be submitted to the Township in writing.
- B. All such requests will state the section / requirement that the applicant is seeking relief from and provide a justification for the request.
- C. The applicant will be responsible for any or all costs to the Township for the investigation of a modification request (engineering or legal fees).
- D. The applicant shall pay the required fee for processing the request.
- E. The Township will act upon any request within a reasonable time however, lack of action by the Township does not constitute application approval.
- F. In approving any modification request the Township may attach any reasonable conditions that directly relate to the subject of the request or to the Township's responsibility to provide safe sewage disposal and safe drinking water within the Township. Once granted the modification will become the minimum standard for compliance with this ordinance.

Section 16. Regular Maintenance of the System

- A. After the initial inspection and pumping, all tanks in all systems shall be pumped out at a minimum regular interval of once every three (3) years from the year of either the initial pumping or a subsequent pumping. Tanks that have been subjected to more frequent pumping, by the nature of their size, loading rate or other system characteristics, should

continue to receive that frequency of pumping. This ordinance is not an instruction to reduce the frequency of pumping and should not be construed as such. This ordinance establishes the minimum pump out requirement for all treatment tanks that do not exhibit characteristics that indicate more frequent pumping is required.

Residents, upon notifying the Township, will have the ability to opt for the following pump out schedules based on the number of individuals in their households:

<u># of Individuals</u>	<u>Years for Pump Out</u>
4 or More	Every 3 Years
3	Every 4 Years
2 or Less	Every 5 Years

Should a resident not notify the township with the number of individuals in the household the pump out schedule will automatically be place on three year schedule. Should the number of individual's in the household changes, it is incumbent upon the resident to notify the township of this change.

- B. Landowners may choose to have tanks pumped out more frequently. System pump-outs that are more frequents than required will be considered off cycle pump-outs. When more frequent pump-outs are undertaken in a manner consistent with this ordinance, the date of the subsequent regular pump-out shall be deemed to be the last day of the last month three years following the year of the voluntary pump-out. To this end the Township will maintain a data base that tracks the pump out dates. If a more frequent pumping schedule is used, for example every 2 years, the system owners 3 year mandatory pumping date will be reset with each subsequent off cycle pumping. At any time the owner may return to the standard 3 year cycle however no more than 3 years can lapse between pump-outs.
- C. In the event that a landowner fails to obtain the required initial inspection or subsequent tank pump-out, the Township's Authorized Agent shall have the right to enter upon land for the purposes of conducting inspections required by this Ordinance. Prior to entry for inspection, the Township shall give advance notice either by phone, by mail to the last known address which appears in the records of the Lancaster County Tax Assessor's Office, or by a written notice posted at the entrance to the structure or other place where it is likely to be seen by the owner, to enable the occupant to be personally present or be represented by an agent at the time of such entry.
- D. Any adult occupant of a property at the time a request to enter is made by an Authorized Agent may waive their right of advance notice.
- E. In the event that access to inspect the property is denied, the Township shall proceed according to law to obtain a search warrant and conduct the inspection established in this Ordinance.
- F. No provision of this Ordinance shall require notice to be given before entry, where it can be observed from a public street that an on-lot system is malfunctioning or being operated improperly.

Section 17. Reporting of Malfunctioning OLDS

Any person who owns a lot upon which an OLDS or community sewage system is installed, any person who occupies a lot upon which an OLDS or community sewage system is installed, any person who owns a community sewage system, and any septage hauler pumping out or otherwise maintaining an OLDS or community sewage system shall report any malfunctioning of such OLDS or community sewage system to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction.

Section 18. Well Isolation Distance Exemption.

Any minimum distance requirement between a private well and a proposed absorption area specified PADEP regulations (Chapter 73) is not applicable if the Township finds that the installation of a proposed individual sewage system does not pose a threat of pollution to any well on the same lot within the distance specified by regulation. The minimum distance between a proposed individual sewage system on the applicant's lot and any wells on any other lot, regardless of the ownership of that lot, shall meet the PADEP required minimum horizontal isolation distances.

A. If a repair to a malfunctioning on lot system is being considered, the PADEP well isolation distance requirements may be waived at the sole discretion of the Township.

B. The applicant shall submit a formal written request for a well isolation distance exemption to the local agency. The request shall include:

(1) Appropriate groundwater studies.

(2) Payment of fees or costs incurred by the Township to review the groundwater study.

C. Upon receipt of the items required in subsection B, the Township, shall act upon the application for an exemption under this section within a reasonable period of time. As part of this process the Township may attach any reasonable conditions to an approval.

D. The Township will incur no liability as a result of the local agency granting an exemption under this section.

Section 19. Duties of Sewage Enforcement Officer.

In addition to all other duties of the Sewage Enforcement Officer set forth in this Article, the Sewage Enforcement Officer shall have the power and duty to enforce the provisions of this Article and to investigate any reports of malfunctioning OLDS and community sewage system or evidence that an OLDS or community sewage system may be malfunctioning which the Sewage Enforcement Officer discovers. In performing these duties the Sewage Enforcement Officer shall have the following powers:

A. To conduct routine inspections of properties upon which OLDS or community sewage systems are installed as part of an administrative program to insure compliance with this Article. Any inspections shall be performed in accordance with all applicable statutes and constitutional provisions.

- B. To make reports as requested by the Township regarding maintenance of OLDS and community sewage systems in the Township and to suggest actions which may be taken by the Board to insure proper maintenance.
- C. To consult with the Township Engineer and the Township Solicitor, as authorized by the Township, to assist in the enforcement of this Article.

Section 20. Violations and Penalties.

- A. It shall be a violation of this Article to commit or permit any other person to commit any of the following acts:
 - 1. To install, repair, modify or alter an OLDS or a community sewage system prior to obtaining a permit or in a manner which violates the terms and conditions of any permit.
 - 2. To misuse or fail to maintain an OLDS or a community sewage system.
 - 3. To fail to report a malfunctioning OLDS or community sewage system.
 - 4. To fail to remedy a malfunctioning OLDS or community sewage system.
 - 5. To construct any improvements upon, grade, or take any other action which will render a replacement location unsuitable for installation of an OLDS or community sewage system unless the Sewage Enforcement Officer has approved an alternate replacement location in accordance with Section 8 and Section 10 of this Article.
 - 6. To place false information on or omit relevant information from an application for a permit.
 - 7. To occupy or permit the occupancy of any structure served by an OLDS for which a valid permit has not been obtained as required by this Article.
 - 8. To occupy or permit the occupancy of any structure served by a community sewage system for which a valid permit has not been obtained as required by this Article.
 - 9. To fail to comply with any other provision of this Article.
- B. Any person who violates or permits the violation of any provision of this Article; or who shall use, maintain or alter an OLDS or community sewage system in violation of any permit issued by the Sewage Enforcement Officer; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the Sewage Enforcement Officer shall be liable upon summary conviction therefore to fines and penalties of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) plus all costs of prosecution, which fines and penalties

may be collected as provided by law. All fines and penalties collected for violation of this Article shall be paid over to the Township Treasurer. Each day that a violation continues and each section of this Article which is violated constitutes a separate violation.

Section 21. Remedies.

In case any improvement is constructed or any lot maintained in violation of this Article, or any OLDS or community sewage system is installed, repaired, altered or modified prior to obtaining a permit as required by this Article or in a manner which does not comply with such permit, or any OLDS or community sewage system is not properly maintained or the malfunction of any OLDS or community sewage system is not reported to the Township, in addition to the other remedies provided by law, the Township may commence any appropriate action or proceedings in equity to prevent such unlawful construction of improvements or such unlawful maintenance of such lot or the continued use of such OLDS or community sewage system.

Section 22. Declaration of Nuisance.

The following activities are hereby declared to be nuisances:

- A. Construction of Improvements on the Replacement Location. Such construction renders the Replacement Location useless and therefore jeopardizes the water quality and other natural resources of the Township. This harm to the water quality and other natural resources of the Township is a danger to the health, safety and welfare of the residents of the Township and is hereby declared to be a nuisance and abatable as such in accordance with the provisions of the Second Class Township Code.
- B. Installation, alteration or modification of an OLDS or community sewage system without having obtained a permit as required by this Article and the regulations of the Department, or, if a permit was obtained, in a manner which violates the terms of the permit.
- C. Failure to maintain an OLDS or community sewage system as required by this Article. All of these actions result in pollution of the waters of the Commonwealth and other natural resources of the Township and constitute a danger to the health, safety and welfare of Township residents. The actual expenses of the Township in the abatement of such nuisances plus an penalty in the amount of twenty-five (25%) percent of such expenses shall be filed as a municipal claim against the property.

Section 23. Waiver of Liability.

Although this Article is intended to provide guidelines for the installation and maintenance of OLDS and community sewage systems and the identification and maintenance of a replacement location for OLDS, nothing contained herein shall be interpreted as a guarantee or warranty to applicants or other Township residents that systems installed under the provisions of this Article will function as intended. The Township assumes no responsibility for the location and/or maintenance of OLDS or community sewage systems within the Township.

Section 24. Appeals.

Appeals from any action of the Sewage Enforcement Officer under this Article shall be made in writing to the Township within thirty (30) days from the date of the written determination of the Sewage Enforcement Officer. All appeals shall be accompanied by the appeal fee established by resolution of the Board of Supervisors.

- A. The written appeal shall specify the precise action from which the appeal is taken and shall set forth in concise terms the reason for the appeal and any legal authorities supporting the appeal period.
- B. If the appellant desires a hearing before the Board, the appellant must request a hearing in the written appeal.
- C. If a hearing is requested in writing, the Board shall conduct the hearing at a regular or special public meeting which occurs not less than forty-five (45) days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of the Local Agency Law, 2 PA. C.S. §551 et seq.
- D. The Board shall render a decision on the appeal in accordance with the provisions of the Local Agency Law.

Section 25. Severability.

In the event any provision, section, sentence, clause, or part of this Article shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Article, it being the intent of the Board that the remainder of the Article shall be and shall remain in full force and effect.

Section 26.

This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Manor as provided by law.

DULY ORDAINED AND ENACTED this _____ day of _____, 2011, by the Board of Supervisors of the Township of Manor, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MANOR
Lancaster County, Pennsylvania

John S. May

Allen R. Herr

Richard C. Bauder

Jay C. Breneman

L. Allen Kreider

[TOWNSHIP SEAL]